

PATENT
Docket No. 146712000400

part of
#8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Qixu (David) CHEN et al.

Serial No.: 09/559,347

Filing Date: April 27, 2000

For: MEDIUM WITH NiNb SEALING
LAYER



Examiner: K. Bernatz

Group Art Unit: 1773

RECEIVED
DEC 19 2001
TC 1700

DECLARATION UNDER 37 CFR 1.131

Commissioner for Patents
Washington, D.C. 20231

Sir:

Qixu Chen, Liji Huang, Charles Leu and Rajiv Y. Ranjan declare under penalty of perjury under the laws of the United States of America as follows:

1. We are joint inventors on this application.
2. We are familiar with the subject matter and claims of the present application.
3. Attached in Exhibit 1 is a copy of the laboratory data of the XRD curve shown in Figure 3 of the application. The date on which the XRD curve of Exhibit 1 was generated is shown above the plot as "98/12/14," which predates the January 28, 1999, filing date of application Serial No. 09/239,459 which was issued as U.S. Patent No. 6,143,375 (Ross '375).

4. Note that the scales of the Y-axis on the plots of Exhibit 1 and Figure 3 of the application are different. This is because the Y-axis of Figure 3 was re-scaled to "arbitrary units" as stated on Figure 3, while the scale on the plot of Exhibit 1 was not. However, the XRD curves in Exhibit 1 and Figure 3 of the application are from identical disc sample and for the same measurement. The plot shown in Exhibit 1 shows the raw data obtained by the XRD machine from Scintag. The plot of Exhibit 1 was prepared using the software and printer attached to the XRD machine. The raw data acquired by the XRD machine was transferred to a Microsoft Excel file and then graphed as Figure 3 of the application.


We declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed in California, United States of America, on dates shown below.



Qixu Chen

12/6/01

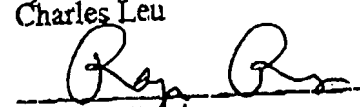
Date


Liji Huang

12/6/01
Date


Charles Leu

12/6/01
Date


Rajiv Y. Ranjan

12/6/01
Date